

REMARKS

Applicants would like to thank the Examiner for the careful consideration and substantive effort given this case. The Examiner has rejected claims 1-13 and 17-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0031457 (Pfenninger). Claim 13 has been amended to correct a typographic error. Claims 1-13 and 17-21 are pending. Applicants respectfully traverse this rejection in light of the following remarks and amendments.

Applicant requests that the amendment be entered, as the amendment places the present application in condition for allowance or, at least, in better condition for appeal.

Claims 1-12

Claim 1 provides that “state information compris[es] time elapsed from the start of the examination, identification of test items displayed to the user, and user interactions with the testing stations.” Claim 1 requires, in part, “one or more testing stations, configured to ... transmit the state information at substantially the same time that the state information is recorded.”

The test taker interface 22 of Pfenninger does not transmit the time elapsed from the start of the examination, identification of test items displayed to the user, and user interactions with the testing stations at substantially the same time that the time elapsed, test items, and user interactions are recorded. Rather, Pfenninger transmits the time elapsed, test items, and user interactions only after the test is complete.

Although, as the Examiner noted, Pfenninger discloses that a test administrator may view information about tests currently in progress, Pfenninger nowhere discloses that the “test information” viewed by the test administrator is “state information comprising time elapsed from the start of the examination, identification of test items displayed to the user, and user interactions with the testing stations.” In fact, Pfenninger cannot disclose that the test information viewed by the test administrator is state information, because Pfenninger does not disclose transmitting state information to the web server 16 before the end of the test. Rather, the test subject’s answers are provided to the web server 16 only “after the test subject completes his or her test.” (Para. [0010]).

The Examiner further states that “Pfenninger discloses that a test taker’s answers may be quickly provided to the system and scored.” However, this provision of answers does not take place at the “time that the state information is recorded,” as required by claim 1. An answer to a

question is recorded at the time a test subject selects an answer. Pfenninger does not transmit the selected answers to the server 16 until the “test is completed.” So, for instance, Pfenninger does not transmit the answer to the first question of a twenty question test until the test is complete. (Para. [0032]). In other words, Pfenninger discloses providing the selected answers to the server 16 “quickly” after the test subject clicks on a “submit” button upon completion of the test, not “quickly” after the test subject selects an answer, as required by claim 1. (Para. [0032]). Therefore, Pfenninger does not disclose transmitting state information at “substantially the same time” an answer is provided.

For at least this reason, claim 1 is allowable over the Examiner cited prior art. Moreover, because claims 2-12 depend from and incorporate all of the limitations of allowable independent claim 1, claims 2-12 are likewise allowable over the Examiner-cited prior art.

Claims 13 and 17-19

Likewise, claim 13 requires, in part, “delivering to the server a changed state object comprising the time elapsed in the examination, the test items presented to the user, and the user’s responses to the test items at substantially the same time that a triggering event occurs on the testing station, wherein the triggering event comprises the user providing a response to a test item.”

For substantially the same reasons as stated above with respect to claim 1, that is, because Pfenninger does not transmit selected answers to questions until the test is complete, claim 13 is allowable over the Examiner-cited prior art. Because claims 17-19 depend from and incorporate all of the limitations of allowable independent claim 13, claims 17-19 are likewise allowable over the Examiner-cited prior art.

Claims 20 and 21

Likewise, claim 20 requires, in part, “delivering changes to the initial state object from the one or more testing stations to the server computer based on each user interaction at substantially the same time that each user interaction occurs.”

For at least the reasons stated above with respect to claim 1, claim 20 is allowable over the Examiner-cited prior art. Because claim 21 depends from and incorporates all of the limitations of allowable independent claim 20, claim 21 is likewise allowable over the Examiner-cited prior art.

All of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue. If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 13-0019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Victoria Friedman', is written over a horizontal line.

Victoria Friedman
Attorney for Applicants
Reg. No. 58,853

MAYER BROWN ROWE & MAW LLP
P. O. BOX 2828
CHICAGO, ILLINOIS 60690-2828
(312) 782-0600

Dated: March 21, 2007